

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**TERI L. GOLTZ,
APPELLANT
vs.**

**SAMUEL E. MASTEN,
RESPONDENT**

DOCKET NUMBER WD72256

DATE: MARCH 1, 2011

Appeal from:

The Circuit Court of Bates County, Missouri
The Honorable James K. Journey, Judge

Appellate Judges:

Division Two: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Attorneys:

Dennis Owens, for Appellant

Audara C. Lutjen, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**TERI L. GOLTZ, APPELLANT
v.
SAMUEL E. MASTEN, RESPONDENT**

WD72256

Bates County, Missouri

Before Division Two Judges: Karen King Mitchell, P.J., Joseph M. Ellis and Victor C. Howard, JJ.

Teri Goltz appeals from a judgment entered in the Circuit Court of Bates County awarding Goltz \$11,000.00 in an action filed by her against Samuel Masten for damages resulting from an automobile accident.

AFFIRMED.

Division Two holds:

- (1) Where Goltz's objection to a question posed by Masten's attorney was sustained and the jury was instructed to disregard, Goltz failed to preserve her claim that the trial court should have granted a mistrial by failing to request such relief.
- (2) Any prejudice sustained by Goltz as a result of the submission of a comparative fault instruction manifested itself in the jury's apportionment of fault, and the trial court remedied any such prejudice by assigning 100% fault to Masten in its final judgment.
- (3) Since Goltz's first claim of error was not preserved for appellate review and her second claim of error failed to establish any prejudice, there has been no showing of prejudice resulting from any of the trial court's rulings, and, accordingly, there were no cumulative errors upon which to grant a new trial.

Opinion by: Joseph M. Ellis, Judge

Date: March 1, 2011

<p>This summary is <i>UNOFFICIAL</i> and should not be quoted or cited.</p>
